

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

**Meeting Date:** April 21, 2004

**Division:** County Attorney

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**AGENDA ITEM WORDING:**

Approval of a Resolution requesting that the Supervisor of Elections place on the August 31, 2004 primary ballot a referendum question concerning a half-cent sales tax for school capital funding.

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**ITEM BACKGROUND:**

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**PREVIOUS RELEVANT BOCC ACTION:**

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**STAFF RECOMMENDATION:**

Approval.

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**CONTRACT/AGREEMENT CHANGES:**

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**TOTAL COST:**  
**Cost to County:**

**BUDGETED:** Yes ☐ No ☐

**APPROVED BY:**

County Attorney ☒ OMB/Purchasing ☐ Risk Management ☐

**DIVISION DIRECTOR APPROVAL**

*John Collins* 03/30/04  
J. R. Collins

**DOCUMENTATION:** Included ☒ To Follow ☐ Not required ☐

**AGENDA ITEM #** 25

**RESOLUTION NO. \_\_\_\_\_ -2004**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA REQUESTING THAT THE SUPERVISOR OF ELECTIONS PLACE ON THE AUGUST 31, 2004 PRIMARY BALLOT A REFERENDUM QUESTION CONCERNING A HALF-CENT SALES TAX FOR SCHOOL CAPITAL FUNDING.**

WHEREAS, the School Board of Monroe County has adopted Resolution No. 589 levying a sales surtax of .5 percent (1/2 cent) pursuant to Sec. 212.055(6), Florida Statutes;

WHEREAS, such sales surtax cannot take effect until approved by the electors voting in a referendum concerning the sales surtax;

WHEREAS, Sec. 212.055(6)(b), FS, requires the Monroe County Board of County Commissioners request that the Supervisor of Elections place the sales surtax referendum on the ballot; now, therefore

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA that:

Section 1. The Supervisor of Elections is requested to place on the August 31, 2004 primary election ballot the referendum adopted by the School Board in its Resolution No. 589 and attached to that Resolution as Exhibit B, all of which are attached to this Resolution of the County Commission.

Section 2. The Clerk is directed to send a certified copy of this Resolution to the Supervisor of Elections.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 21st day of April, 2004.

Mayor Nelson  
Mayor Pro Tem Rice  
Commissioner McCoy  
Commissioner Neugent  
Commissioner Spehar

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(SEAL)  
Attest: DANNY L.KOLHAGE, Clerk


BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Mayor/Chairperson

jresRefSB.5surtax

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:

  
ROBERT N. WOLFE  
CHIEF ASSISTANT COUNTY ATTORNEY  
Date 3-29-04

## RESOLUTION NO. 589

**General Description:**

The district's capital improvement plan is not yet completed. Continued funding is required to replace temporary portable classrooms, for the renovation, rebuilding, or remodeling of district school structures that were built before 1978, for real estate acquisitions, and for technology upgrades.

A more detailed description of the proposed use of the proceeds of this referendum and resolution is set forth in Exhibit "A" to this Resolution in accordance with Florida Statute 212.055(b)(c).

NOW, THEREFORE, BE IT RESOLVED BY THE SCHOOL BOARD OF MONROE COUNTY, FLORIDA:

**Section 1. Tax Levy.** There is hereby levied and imposed within Monroe County a discretionary sales surtax of .5 percent (one-half cent) pursuant to the provisions of Section 212.055(6) Florida Statutes and Section 212.054 Florida Statutes.

**Section 2. Term of Levy.** The surtax shall commence January 1, 2006. The surtax shall remain in full force and effect for a period of ten (10) years from and after January 1, 2006 unless repealed or reduced prior to that time by resolution of the School Board, which repeal or reduction may be effectuated without referendum.

**Section 3. Administration.** The surtax levied hereby shall be collected, administered and paid to the School Board by the Department of Revenue pursuant to the terms of Section 212.054, Florida Statutes and such other laws as may be applicable.

**Section 4. Use of Revenues.** All lawful uses pursuant to Sections 212.055(b) and 212.054 as well as Florida Statutes. A plan for the surtax proceeds, in accordance with Section 212.055(5)(b) and (c) of the initial outlay projects to be funded by the surtax is set forth in the plan attached hereto as Exhibit "A". Such plan may be modified from time to time as circumstances change and needs arise.

**Section 5. Special Referendum.** The School Board hereby requests that the Board of County Commissioners of Monroe County, Florida call a special referendum to be held throughout Monroe County, Florida, for the purpose of submitting to the duly qualified electors of Monroe County the question set forth herein.

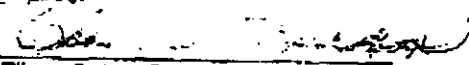
**Section 6. Notice of Election.** Not less than thirty (30) days' notice of said election shall be given by publication both in English and Spanish in a newspaper of general circulation throughout the District. Such publication shall be made in accordance with law and the requirements on the Supervisor of Elections. The notice shall read as indicated in the attached Exhibit "B".

**Section 7. Official Ballot.** The official ballot to be used in the election to be held on August 31, 2004 shall be in English and Spanish and shall be in full compliance with the laws of the State of Florida and shall be substantially in the attached Notice form.

If a majority of the ballots cast at such election shall be "FOR THE ONE-HALF CENT SALES TAX", the levy of such tax shall be approved and said surtax shall be levied as provided by law.

**Section 8. Effective Date.** Sections 1 through 4 of this Resolution shall be effective and is conditioned upon approval by a majority of votes cast by qualified electors in the referendum provided for herein and the remaining sections of this Resolution shall be effective immediately upon its adoption.

Adopted this 18 day of November 2003.

  
Eileen Oulgin, Chair  
School Board of Monroe County, Florida

ATTEST:

  
John B. Padgett, Superintendent

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# **NOTICE OF ELECTION**

NOTICE IS HEREBY GIVEN THAT AN ELECTION HAS BEEN CALLED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AT THE REQUEST OF THE SCHOOL BOARD OF MONROE COUNTY, FLORIDA FROM 7:00 A.M. UNTIL 7:00 P.M. ON TUESDAY, THE THIRTY-FIRST DAY OF AUGUST, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY QUALIFIED ELECTORS OF MONROE COUNTY, FLORIDA THE FOLLOWING QUESTION:

## **PROVIDING CONTINUED FUNDING FOR CAPITAL PROJECTS AND TECHNOLOGY UPGRADES IN THE MONROE COUNTY SCHOOL DISTRICT:**

The district's capital improvement plan is not yet completed. Continued funding is required to replace temporary portable classrooms, for the renovation, rebuilding, or remodeling of district school structures that were built before 1978, for real estate acquisitions, and for technology upgrades.

Shall the district extend the existing one-half cent sales surtax for a period of ten (10) years, beginning January 1, 2006 for capital projects?

\_\_\_\_\_ **FOR THE ONE-HALF CENT SALES TAX**

\_\_\_\_\_ **AGAINST THE ONE-HALF CENT SALES TAX**

RESOLUTION NO. 589 ADOPTED BY THE SCHOOL BOARD OF MONROE COUNTY, FLORIDA ON NOVEMBER 18, 2003, PROVIDES FOR THE IMPOSITION OF A ONE-HALF CENT SALES TAX, THE PROCEEDS OF WHICH SHALL BE USED TO COMPLETE THE DISTRICT'S CAPITAL IMPROVEMENT PLAN.

IN ACCORDANCE WITH THE CONSTITUTION AND THE ELECTION LAWS OF THE STATE OF FLORIDA, ALL DULY QUALIFIED ELECTORS OF MONROE COUNTY, FLORIDA SHALL BE ENTITLED TO VOTE IN THE ELECTION TO WHICH THIS NOTICE PERTAINS.

THE SCHOOL BOARD OF MONROE COUNTY, FLORIDA SHALL BE AUTHORIZED TO LEVY THE TAX COVERED BY THE QUESTION STATED ABOVE IF THE QUESTION SHALL BE APPROVED BY VOTE OF A MAJORITY OF THE DULY QUALIFIED ELECTORS OF MONROE COUNTY, FLORIDA VOTING THEREON.

Exhibit "B"